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## *The Maryland House of Delegates*

ANNAPOLIS, MARYLAND 21401

**February 24, 2021**

### **Testimony in Support of House Bill 447 – Judges – Selection, Election, Tenure, and Continuance in Office**

Good afternoon Mr. Chairman and members of the committee. Thank you for the opportunity to speak to you on behalf of **House Bill 447 – Judges – Selection, Election, Tenure, and Continuance in Office**.

This bill provides for the same manner of filling vacancies in Maryland appellate and circuit courts and specifically removes the provision in the Constitution for contested elections for circuit court positions. If passed by the General Assembly and subsequently approved by the voters, the governor, with the advice and consent of the Senate, would appoint appellate and circuit court judges. Appellate and circuit court judges would stand for a retention election at the next election following their appointment. Specifically, the approval or rejection by the voters occurs at the next general election following the expiration of one year after the occurrence of the vacancy. Under the bill, an appellate or circuit court judge would be subject to a retention ballot every 14 years thereafter. If the judge is not approved by the voters, then the judgeship is vacant and the appointment process begins anew.

Foundational to our rule of law is the concept of impartial judges. Subjecting members of the judicial branch to contested electoral pressures – such as pleasing fleeting public passions and courting special interest and corporate donors – undermines the appearance of impartiality. Indeed, it endangers impartiality on its face. House Bill 447 seeks to shore up faith in our justice system and ensure that lady justice remains blind-folded with balanced scales.

It is important to note that this legislation is a proposed amendment to the Maryland Constitution and thus subject to the approval of voters in the 2022 General Election. I respectfully request a favorable report for House Bill 447.

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NOTE: There is an error in HB447. §41D of Article IV of the Maryland Constitution should NOT be deleted. I will submit an amendment striking the brackets on page 6, line 23 and page 7, line 1.